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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)


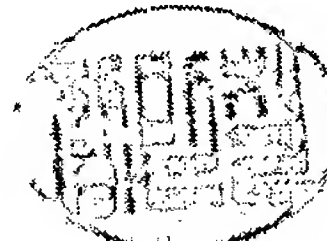
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Applicant's or agent's file reference CCH-PCT-0401	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/KR2004/003039	International filing date(<i>day/month/year</i>) 24 NOVEMBER 2004 (24.11.2004)	Priority date (<i>day/month/year</i>) 09 DECEMBER 2003 (09.12.2003)
International Patent Classification (IPC) or national classification and IPC A47G 21/18(2006.01)i		
Applicant CHO, Chun-Haeng		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 07 JULY 2005 (07.07.2005)	Date of completion of this report 06 MARCH 2006 (06.03.2006)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer JANG, Man Cheol Telephone No. 82-42-481-5416 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/003039

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☒ This report is based on translations from the original language into the following language English which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☒ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the claims:
 pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the drawings:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/KR2004/003039

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-5	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-5	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

(1) Reference is made to the following documents:

D1: US 4252273 A
D2: JP 51-128680 U
D3: JP 52-18788 U
D4: JP13-128830 A
D5: KR 93-6155 U
D6: JP 15-417 A

(2) Novelty and Inventive Step

Regarding Novelty:

The subject matter of claim 1 of the present application is a straw having amusement units which rotate along the flow of a beverage inside a flow path of the straw.

Claim 1 is the same as D1-D5 in that the cited inventions are provided with a rotating member which rotates along the flow of a drink, and in the purpose of the invention for amusing a user who sucks a beverage through a straw.

Therefore, the subject matter of claim 1 is considered to lack novelty.

Regarding Inventive Step:

The subject matter of claim 2 is a straw having amusement units on an inner circumference thereof, wherein a rotating member is installed by a rotary shaft on a pair of support members fixed between a pair of guide members having a semicircular guide hole.

Claim 2 is the same as D1-D5 in that the rotating member is provided inside a straw, but different from D1-D5 in that the rotating member is installed on a pair of support members which are fixed to a pair of guide members, thereby forming a separate amusement unit, and that said amusement unit is installed inside the straw. Said differences are considered to result in another difference in the operational effect for facilitating the installation of the rotating member, and the facilitating the flow of a drink to be sucked.

Therefore, the subject matter of claim 2 is considered to involve an inventive step.

(Continued on Supplemental Sheet.)

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V.

Claim 3 specifies the rotating member which is not set forth in claim 1, and consequently the technical matter of claim 3 is not clear. However, since D1-D6 do not describe the fluorescent rotating member which is set forth in claim 3, claim 3 is considered to involve an inventive step.

Claim 4 adds a case provided with a cap to the technical feature of claim 2. Therefore, claim 4 is considered to involve an inventive step.

Since claim 5 is dependent on claim 4, claim 5 is also considered to involve an inventive step.